IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY THE THIRTY FIRST DAY OF MARCH TWO THOUSAND AND FOUR

: PRESENT:

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 5740 of 2004

Between:

Eega Suresh S/o Kashaiah, 30 years, Occ: Business, R/O Vemulawada Post & Mandal District Karimnagar

Petitioner

AND

1. Sri Raja Rajeswara Swamy Devasthanam, Vemulawada, Karimagar District, rep by its Incharge Executive Officer.
2. The Commissioner, Endowments, Tilak Road, AP. Hyderabad.
3. Sri Payyavula Shankar S/o Sri Nampally, 30 years, Business, R/O Vemulawada, C/o Raja Rajeshwwara Swamy Devasthanam Vemulawada, Karimnagar District.

Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of a writ of mandamus declaring the action of the respondent No. 1 in not continuing the open auction in respect of item No.3 of the tender notification Rc.No.B4/230/2004 dated 6/2/2004 i.e. collection of tonsured hair, and awarding the same in favour of third respondent as arbitrary and illegal and consequently direct the first respondent to conduct the auction afresh .

The petition coming on for hearing, upon perusing the petition and the Affidavit filed in support there of and the order of the High Court dated 26-03-2004 and made herein and upon hearing the arguments of Mr..Satyam Reddy, Advocate for the Petitioner and of Mr. Kondaveeti Ravi, S.C for Rajarajeshwaraswamy Temple for the Respondent No. 1 and of Govt. Pleader for Endowments on behalf of the Respondent No. 2 and the Court made the following

THE COURT MADE THE FOLLOWING ORDER:

"This writ petition is filed by the petitioner alleging that the Executive Officer of the first respondent and the second respondent, while conducting auction in respect of collection of tonsured hair along with other items notified by the first respondent – temple, have committed certain irregularities by not continuing the auction in order to do favour to the third respondent and closed that auction of Rs. 51,00,000/- in favour of the third respondent declaring him as the highest bidder.

According to the petitioner, he was prepared to continue the bid by offering higher amount and in fact he has stated in the affidavit that he was prepared to pay a sum of Rs. 52,00,000/-. Hence, he has come up with the present writ petition.

Petitioner also relied upon a press report said to have been made as to the 'dharna' conducted by the participants in the auction as to the conduct of the officers while conducting the

auction. Therefore, sought for cancellation of the auction accepting the offer of the third respondent as the highest bidder and to conduct fresh auctions with reference to the disputed item i.e., collection of tonsured hair.

(Contd.2.)

. 2 .

At the time of admission on 26-03-2004, Sri Ravi, learned Standing Counsel appearing for the first respondent, was directed to get instructions and today when the matter is taken up, the learned standing counsel has submitted that the auction was conducted in the normal course and the third respondent was declared as the highest bidder. He further submitted that the petitioner offered to pay Rs. 50,90,000/- whereas, the third respondent offered to pay Rs. 51,00,000/- thereafter, as there was n o offer from the petitioner, the third respondent's bid was declared as the highest.

At the time of hearing, the learned counsel for the petitioner filed three third party affidavits, including one by the Barber working in the same temple by name S. Venkata Swamy. He has specifically stated in the affidavit that the petitioner has offered Rs. 52,00,000/- in his presence. To the same effect is the other two affidavits, of which one is made by a Tailor whose shop is situated in front of the temple and the other is made by a sales man of a jaggery shop located in the premises of the temple.

In view of the dispute reaised, this Court is of the opinion that it would be proper to have an enquiry with reference to the alleged irregularites so as to find out the truthfulness or otherwise of the allegations made by the petitioner.

Under the above circumstances, the I Additional District Judge, Kariminagar, is directed to make an enquiry with the persons concerned to the temple and the people around it is to the truthfulness or otherwise of the allegations made the petitioner and submit report to this Court, as early as possible, preferably, within a period of three weeks from the date of receipt of the copy of this order. The petitioner is also directed to appear before the learned Judge at the time of the enquriy.

Office is directed to send the copy of this order along with the copies of the third party affidavit and the affidavit filed in this writ petition to the I Additional District Judge, Karimnagar, by tomorrow.

Pending further orders, the first respondent is directed not to award the contract in favour of the third respondent.

Post on 19-04-2004."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The I Additional District Judge, Karimnagar, Karimnagar District.
   (BY SPPED POST Along with the copy of this order along with the copies of the third party affidavit and the afficait filed in this writ petition)
2. Eega Suresh S/o Kashaiah, 30 years, Occ: Business, R/O Vemulawada
   Post & Mandal District Karimnagar (BY SPEED POST)
3. The Incharge Executive Officer, Sri Raja Rajeswara Swamy Devasthanam, Vemulawada, Karimagar Dist (BY RPAD)
4. The Commissioner, Endowments, Tilak Road, AP. Hyderabad (BY SPECIAL MESSENGER)
5. Sri Payyavula Shankar S/o Sri Nampally. C/o Raja Rajeshwwara Swamy Devasthanam Vemulawada, Karimnagar District (BY RPAD)
6. Two CC's to G.P for Endowments, High court of A.P., Hyderabad (OUT)
7. One Spare Copy

BV

HIGH COURT

SAR, J

DATE: 26-03-2004

NOTE: POST ON 31-03-2004 IN THE MOTION LIST

ORDER

W.P.NO: 5740/2004

DIRECTION

SKM

DRAFTED ON: 29-03-2004

HIGH COURT

SAR, J

DATE: 26-03-2004

NOTE: POST ON 31-03-2004 IN THE MOTION LIST

ORDER

W.P.NO: 5740/2004

DIRECTION